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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,146	01/09/2004	Thomas J. Devine		7479

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EXAMINER

MCKANE, ELIZABETH L

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/754,146

Applicant(s)

DEVINE ET AL.

Examiner

Leigh McKane

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8 and 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 8, 12-15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devine et al (U.S. Patent No. 5,720,438) in view of Pearson (U.S. Patent No. 4,884,756) and Snaper (U.S. Patent No. 6,536,133).

Devine et al teaches a method and apparatus for processing and chemically disinfecting infectious waste material identical to the claimed invention except that Devine et al employs two separate grinding steps **28,43** to achieve the necessary size reduction of the waste and does not spray the waste during the grinding steps.

Pearson et al, however, teaches that it was known in the art at the time of the invention to grind infectious waste in a preliminary grinding step using a single disintegrator **17** to achieve the necessary size reduction and to spray the waste at several points **29, 31, 33, 35** during the grinding. See col.2, lines 15-20. As smaller pieces present more surface area for disinfection, it would have been obvious to construct the grinder **28** of Devine et al in a manner such that it was capable of achieving the necessary size reduction on its own. This step would have made the holding step of **34** more efficient and would have eliminated the necessity of a second grinder and conveyor **45**.

Drying of the waste in Devine et al is achieved by using the hot air generated by the heated grinding plate 29, which acts as a heater. It is noted that because the grating means 28,29, screw conveyor 34, grinding means 43, and immersion means are within an enclosed system (see Abstract), the hot air created at 43 will flow through the system to dry the waste at all points within the system.

Devine et al discloses that a pair of diesel driven generators 19 provide the electrical power necessary to operate the system but does not teach using the exhaust from the generators to heat the waste.

Snaper teaches an apparatus for drying harvested crops wherein heat from an ICE carried by the harvester is applied to the crop in the form of a heated air stream. See col.2, lines 30-50. Snaper discloses that the use of engine heat reduces the cost of drying the crop. The heat from the ICE may be used in conjunction with another heat source (microwaves) to speed up the drying process. As using the heat from the engine exhaust is an efficient and cost-effective way of drying the waste, it would have been obvious to do the same in the method and apparatus of Devine et al. See Snaper, col.1, lines 61-65.

3. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devine et al, Pearson, and Snaper as applied to claims 1 and 8 above, and further in view of Buehler et al (U.S. Patent No. 5,364,589).

Devine et al teaches that the outlet of conveyor 50 can discharge to a compactor (col.7, lines 3-7). Moreover, Buehler et al discloses a method and apparatus for sterilizing infectious waste wherein the apparatus discharges to a compactor 18. As a compactor provides volume reduction of the waste, it would have been obvious in the invention of Devine et al.

Response to Arguments

4. Applicant's arguments, see pages 12-16 of the Response, filed 5 July 2005, with respect to the objection to the specification and rejection of claims 1 and 8 under 35 U.S.C. 112, first paragraph have been fully considered and are persuasive. The objection to the specification and rejection of the claims have been withdrawn.

5. Applicant's arguments, see pages 16-19 of the Response, filed 5 July 2005, with respect to the rejection(s) of claim(s) 1-4, 8, 12-15, and 17 under Kami have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Snaper.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leigh McKane whose telephone number is 571-272-1275. The examiner can normally be reached on Monday-Thursday (5:30 am-2:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leigh McKane
Primary Examiner
Art Unit 1744

elm
19 September 2005